

CLARK COUNTY STAFF REPORT

DEPARTMENT/DIVISION: Public Works / Transportation

DATE: July 21, 2005

REQUEST: Consider the Enaction of a Salmon Creek Development Moratorium

BACKGROUND: In mid-February 2005, the operating level for the Salmon Creek Avenue (West Central) concurrency corridor dropped below 13 mph. The adopted travel speed standard for the corridor is 13 mph. As a result, the corridor is considered to be in concurrency failure. Because the remedy for the failing condition is the construction of high-cost interchange improvements for I-5 and I-205, individual developers have been unable to mitigate their impacts in order to receive a concurrency approval. As a result, the Salmon Creek area surrounding the corridor is considered to be in a “de-facto development moratorium”.

One option available to the Board of County Commissioners (BOCC) is to enact a legislative moratorium as an emergency action. The attached resolution would provide for this emergency action. A public hearing would then be scheduled within 60 days to receive public testimony and formally consider adoption of the moratorium. The action would formally establish a development moratorium, would provide for the establishment of a specific geographic area for the moratorium, and would provide specific rules for administering the moratorium.

Staff have developed a concept for the moratorium as described below. The key elements of the concept are as follows:

- The proposed boundaries of the moratorium area or “area of applicability” are shown in Exhibit A of the draft ordinance. The boundaries are identical to the moratorium boundaries that were in effect during the previous concurrency related moratorium in Salmon Creek. The proposed boundaries have been established such that all development within the moratorium area would have a high likelihood of adding at least one vehicle trip to the failing concurrency corridor.
- The moratorium would apply to any development application within the area of applicability that would normally require a transportation concurrency approval.
- The moratorium would not apply to development applications exempted under the county’s concurrency ordinance (e.g. K-12 public schools, police/fire stations, and public transit facilities).
- The moratorium would not apply to developments that already have trips reserved from a prior development approval or developer agreement. This provision would also apply in cases of redevelopment activity that would not result in an increase in site trip generation.
- The moratorium would not apply to development applications for property located outside of the geographic area of applicability, however, those applications would still be subject to normal concurrency provisions.
- Pre-application conference requests for development proposals within the moratorium area would not be accepted.

ACTION REQUESTED: Consider the Enaction of a Salmon Creek Development Moratorium.

COMMUNITY OUTREACH: None

BUDGET IMPLICATIONS: There would be an unspecified fiscal impact on the Department of Community Development due to the reduced number of pre-application conferences and development applications. It is unknown if future budgetary actions would be needed to maintain the stability of the department.

POLICY IMPLICATIONS: There would be some policy implications associated with establishing the development moratorium including the obligation to undertake a work plan, the differing treatment between development proposals for properties located within the moratorium area versus those located outside of the moratorium area, and the issues and treatment associated with those Salmon Creek development applications that have been previously placed on hold (rather than approved or denied).

In addition, within the moratorium area, development applications would not even be accepted, such that prospective developers would have no opportunity to propose mitigation to offset the impacts of their development. However, outside of the moratorium area, developers would be able to submit applications and would be evaluated for concurrency. These developers would be subject to the de facto moratorium, but would have some opportunity to propose mitigation.

DISTRIBUTION: Please notify the Department of Public Works and the Department of Community Development of the BOCC actions.

Steven C. Schulte, P.E.
Transportation Program Manager

APPROVED: _____
CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS

Peter Capell, P.E.
Public Works Director/County Engineer
